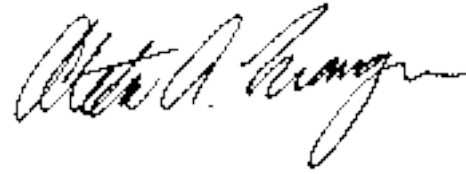


UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

Motion GRANTED.



UNITED STATES OF AMERICA

v.

MONTRELL SMITH

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CASE NO : 3:12-00134
JUDGE TRAUGER

MOTION TO DISMISS INDICTMENT

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, and respectfully moves this Honorable Court, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, to dismiss the pending Indictment against the Defendant without prejudice. In support thereof, the government submits that the defendant was previously convicted in Tennessee state court of the conduct which is the subject of the instant prosecution and is currently serving a sentence for his crimes in the Tennessee Department of Correction. In consideration of this information, the government makes the instant motion to the Court. Defense counsel has been contacted and has no objection to the stated motion.

Respectfully submitted,

JERRY E. MARTIN
UNITED STATES ATTORNEY

s/ Philip H. Wehby

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